

[^0] information is voluntary.

## Instructions

## Read all instructions carefully before completing this form.


#### Abstract

Anti-Discrimination Notice. It is illegal to discriminate against any individual (other than an alien not authorized to work in the United States) in hiring, discharging, or recruiting or referring for a fee because of that individual's national origin or citizenship status. It is illegal to discriminate against work-authorized individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents presented have a future expiration date may also constitute illegal discrimination. For more information, call the Office of Special Counsel for Immigration Related Unfair Employment Practices at 1-800-255-8155.


## What Is the Purpose of This Form?

The purpose of this form is to document that each new employee (both citizen and noncitizen) hired after November 6,1986 , is authorized to work in the United States.

## When Should Form I-9 Be Used?

All employees (citizens and noncitizens) hired after November 6,1986 , and working in the United States must complete Form I-9.

## Filling Out Form I-9

## Section 1, Employee

This part of the form must be completed no later than the time of hire, which is the actual beginning of employment. Providing the Social Security Number is voluntary, except for employees hired by employers participating in the USCIS Electronic Employment Eligibility Verification Program (EVerify). The employer is responsible for ensuring that Section 1 is timely and properly completed.

Noncitizen nationals of the United States are persons born in American Samoa, certain former citizens of the former Trust Territory of the Pacific Islands, and certain children of noncitizen nationals born abroad.

Employers should note the work authorization expiration date (if any) shown in Section 1. For employees who indicate an employment authorization expiration date in Section 1, employers are required to reverify employment authorization for employment on or before the date shown. Note that some employees may leave the expiration date blank if they are aliens whose work authorization does not expire (e.g., asylees, refugees, certain citizens of the Federated States of Micronesia or the Republic of the Marshall Islands). For such employees, reverification does not apply unless they choose to present
in Section 2 evidence of employment authorization that contains an expiration date (e.g., Employment Authorization Document (Form I-766)).

## Preparer/Translator Certification

The Preparer/Translator Certification must be completed if Section 1 is prepared by a person other than the employee. A preparer/translator may be used only when the employee is unable to complete Section 1 on his or her own. However, the employee must still sign Section 1 personally.

## Section 2, Employer

For the purpose of completing this form, the term "employer" means all employers including those recruiters and referrers for a fee who are agricultural associations, agricultural employers, or farm labor contractors. Employers must complete Section 2 by examining evidence of identity and employment authorization within three business days of the date employment begins. However, if an employer hires an individual for less than three business days, Section 2 must be completed at the time employment begins. Employers cannot specify which document(s) listed on the last page of Form I-9 employees present to establish identity and employment authorization. Employees may present any List A document OR a combination of a List B and a List C document.

If an employee is unable to present a required document (or documents), the employee must present an acceptable receipt in lieu of a document listed on the last page of this form. Receipts showing that a person has applied for an initial grant of employment authorization, or for renewal of employment authorization, are not acceptable. Employees must present receipts within three business days of the date employment begins and must present valid replacement documents within 90 days or other specified time.

## Employers must record in Section 2:

1. Document title;
2. Issuing authority;
3. Document number,
4. Expiration date, if any; and
5. The date employment begins.

Employers must sign and date the certification in Section 2. Employees must present original documents. Employers may, but are not required to, photocopy the document(s) presented. If photocopies are made, they must be made for all new hires. Photocopies may only be used for the verification process and must be retained with Form I-9. Employers are still responsible for completing and retaining Form I-9.

For more detailed information, you may refer to the USCIS Handbook for Employers (Form M-274). You may obtain the handbook using the contact information found under the header "USCIS Forms and Information."

## Section 3, Updating and Reverification

Employers must complete Section 3 when updating and/or reverifying Form I-9. Employers must reverify employment authorization of their employees on or before the work authorization expiration date recorded in Section 1 (if any). Employers CANNOT specify which document(s) they will accept from an employee.
A. If an employee's name has changed at the time this form is being updated/reverified, complete Block A.
B. If an employee is rehired within three years of the date this form was originally completed and the employee is still authorized to be employed on the same basis as previously indicated on this form (updating), complete Block B and the signature block.
C. If an employee is rehired within three years of the date this form was originally completed and the employee's work authorization has expired or if a current employee's work authorization is about to expire (reverification), complete Block B; and:

1. Examine any document that reflects the employee is authorized to work in the United States (see List A or C);
2. Record the document title, document number, and expiration date (if any) in Block C ; and
3. Complete the signature block.

Note that for reverification purposes, employers have the option of completing a new Form I-9 instead of completing Section 3.

## What Is the Filing Fee?

There is no associated filing fee for completing Form I-9. This form is not filed with USCIS or any government agency. Form I-9 must be retained by the employer and made available for inspection by U.S. Government officials as specified in the Privacy Act Notice below.

## USCIS Forms and Information

To order USCIS forms, you can download them from our website at www.uscis.gov/forms or call our toll-free number at 1-800-870-3676. You can obtain information about Form I-9 from our website at www.uscis.gov or by calling 1-888-464-4218.

Information about E-Verify, a free and voluntary program that allows participating employers to electronically verify the employment eligibility of their newly hired employees, can be obtained from our website at www.uscis.gov/e-verify or by calling 1-888-464-4218.

General information on immigration laws, regulations, and procedures can be obtained by telephoning our National Customer Service Center at 1-800-375-5283 or visiting our Internet website at www.uscis.gov.

## Photocopying and Retaining Form I-9

A blank Form I-9 may be reproduced, provided both sides are copied. The Instructions must be available to all employees completing this form. Employers must retain completed Form 1-9s for three years after the date of hire or one year after the date employment ends, whichever is later.

Form I-9 may be signed and retained electronically, as authorized in Department of Homeland Security regulations at 8 CFR 274a.2.

## Privacy Act Notice

The authority for collecting this information is the Immigration Reform and Control Act of 1986, Pub. L. 99-603 (8 USC 1324a).

This information is for employers to verify the eligibility of individuals for employment to preclude the unlawful hiring, or recruiting or referring for a fee, of aliens who are not authorized to work in the United States.

This information will be used by employers as a record of their basis for determining eligibility of an employee to work in the United States. The form will be kept by the employer and made available for inspection by authorized officials of the Department of Homeland Security, Department of Labor, and Office of Special Counsel for Immigration-Related Unfair Employment Practices.

Submission of the information required in this form is voluntary. However, an individual may not begin employment unless this form is completed, since employers are subject to civil or criminal penalties if they do not comply with the Immigration Reform and Control Act of 1986.

## Paperwork Reduction Act

An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 12 minutes per response, including the time for reviewing instructions and completing and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529-2210. OMB No. 1615-0047. Do not mail your completed Form I-9 to this address.

Read instructions carefully before completing this form. The instructions must be available during completion of this form.
ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work-authorized individuals. Employers CANNOT
specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination.

| Section 1. Employee Information and Verification (To be completed and signed by employee at the time employment begins.) |  |  |  |
| :--- | :--- | :--- | :--- |
| Print Name: Last First | Middle Initial | Maiden Name |  |
| Address (Street Name and Number) | Apt. \# | Date of Birth (month/day/year) |  |
| City | State | Zip Code | Social Security \# |

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

Employee's Signature

I attest, under penalty of perjury, that I am (check one of the following):


A citizen of the United States
$\square$ A noncitizen national of the United States (see instructions)
$\square$ A lawful permanent resident (Alien \#) $\qquad$
An alien authorized to work (Alien \# or Admission \#)
until (expiration date, if applicable - month/day/year)
Date (month/day/year)

Preparer and/or Translator Certification (To be completed and signed if Section 1 is prepared by a person other than the employee.) I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.

| Preparer's/Translator's Signature | Print Name |
| :--- | :--- | :--- |

Address (Street Name and Number, City, State, Zip Code)
Date (month/day/year)

Section 2. Employer Review and Verification (To be completed and signed by employer. Examine one document from List $A$ OR examine one document from List B and one from List C, as listed on the reverse of this form, and record the title, number, and expiration date, if any, of the document(s).)

| List A | OR | List B | AND | List C |
| :---: | :---: | :---: | :---: | :---: |
| Document title: |  |  |  |  |
| Issuing authority: |  |  |  |  |
| Document \#: |  |  |  |  |
| Expiration Date (if any): |  |  |  |  |
| Document \#: |  |  |  |  |
| Expiration Date (if any): |  |  |  |  |

CERTIFICATION: I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on (month/day/year) and that to the best of my knowledge the employee is authorized to work in the United States.
(State employment agencies may omit the date the employee began employment.)

| Signature of Employer or Authorized Representative | Print Name | Title | Date (month/day/year) |
| :--- | :--- | :--- | :--- |
| Business or Organization Name and Address (Street Name and Number, City, State, Zip Code) |  |  |  |

Section 3. Updating and Reverification (To be completed and signed by employer.)

| A. New Name (if applicable) | B. Date of Rehire (month/day/year) (if applicable) |
| :--- | :--- |

C. If employee's previous grant of work authorization has expired, provide the information below for the document that establishes current employment authorization.

Document Title:
Document\#:
Expiration Date (if any):
I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.

# LISTS OF ACCEPTABLE DOCUMENTS <br> All documents must be unexpired 

| LIST A <br> Documents that Establish Both Identity and Employment Authorization | LIST B <br> Documents that Establish Identity <br> R | LIST C <br> Documents that Establish Employment Authorization |
| :---: | :---: | :---: |
| 1. U.S. Passport or U.S. Passport Card <br> 2. Permanent Resident Card or Alien Registration Receipt Card (Form | 1. Driver's license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eve color, and address | 1. Social Security Account Number card other than one that specifies on the face that the issuance of the card does not authorize employment in the United States |
| 2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551) |  | Certification of Birth Abroad issued by the Department of State (Form FS-545) |
| 3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machinereadable immigrant visa | 2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address |  |
|  |  | 3. Certification of Report of Birth issued by the Department of State |
| 4. Employment Authorization Document that contains a photograph (Form I-766) | 3. School ID card with a photograph | m DS-1350) |
|  | 4. Voter's registration card | Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal |
| In the case of a nonimmigrant alien authorized to work for a specific employer incident to status, a foreign passport with Form I-94 or Form I-94A bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, as long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form | 5. U.S. Military card or draft record |  |
|  | 6. Military dependent's ID card |  |
|  | 7. U.S. Coast Guard Merchant Mariner Card | 5. Native American tribal document |
|  | 8. Native American tribal document | U.S. Citizen ID Card (Form I-197) |
|  | 9. Driver's license issued by a Canadian government authority |  |
|  | For persons under age 18 who are unable to present a document listed above: | 7. Identification Card for Use of Resident Citizen in the United States (Form I-179) |
| 6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI |  |  |
|  | 10. School record or report card | 8. Employment authorization document issued by the Department of Homeland Security |
|  | 11. Clinic, doctor, or hospital record |  |
|  | 12. Day-eare or nursery school record |  |

Illustrations of many of these documents appear in Part 8 of the Handbook for Employers (M-274)

## Form W-4 (2010)

Purpose. Complete Form W-4 so that your employer can withhold the correct federal income tax from your pay. Consider completing a new Form W-4 each year and when your personal or financial situation changes.
Exemption from withholding. If you are exempt, complete only lines 1,2,3,4, and 7 and sign the form to validate it. Your exemption for 2010 expires February 16, 2011. See Pub. 505, Tax Withholding and Estimated Tax. Note. You cannot claim exemption from withholding if (a) your income exceeds \$950 and includes more than $\$ 300$ of unearned income (for example, interest and dividends) and (b) another person can claim you as a dependent on his or her tax return.
Basic instructions. If you are not exempt, complete the Personal Allowances Worksheet below. The worksheets on page 2 further adjust your withholding allowances based on itemized deductions, certain credits, adjustments to income, or two-earners/multiple jobs situations.

Complete all worksheets that apply. However, you may claim fewer (or zero) allowances. For regular wages, withholding must be based on allowances you claimed and may not be a flat amount or percentage of wages.
Head of household. Generally, you may claim head of household filing status on your tax return only if you are unmarried and pay more than $50 \%$ of the costs of keeping up a home for yourself and your dependent(s) or other qualifying individuals. See Pub. 501, Exemptions, Standard Deduction, and Filing Information, for information.
Tax credits. You can take projected tax credits into account in figuring your allowable number of withholding allowances. Credits for child or dependent care expenses and the child tax credit may be claimed using the Personal Allowances Worksheet below. See Pub. 919, How Do I Adjust My Tax Withholding, for information on converting your other credits into withholding allowances. Nonwage income. If you have a large amount of nonwage income, such as interest or
dividends, consider making estimated tax
payments using Form 1040-ES, Estimated Tax for Individuals. Otherwise, you may owe additional tax. If you have pension or annuity income, see Pub. 919 to find out if you should adjust your withholding on Form W-4 or W-4P.
Two earners or multiple jobs. If you have a working spouse or more than one job, figure the total number of allowances you are entitled to claim on all jobs using worksheets from only one Form W-4. Your withholding usually will be most accurate when all allowances are claimed on the Form W-4 for the highest paying job and zero allowances are claimed on the others. See Pub. 919 for details.
Nonresident alien. If you are a nonresident alien, see Notice 1392, Supplemental Form W-4 Instructions for Nonresident Aliens, before completing this form.
Check your withholding. After your Form W-4 takes effect, use Pub. 919 to see how the amount you are having withheld compares to your projected total tax for 2010. See Pub. 919, especially if your earnings exceed $\$ 130,000$ (Single) or \$180,000 (Married).

A Enter " 1 " for yourself if no one else can claim you as a dependent.
A

B

- You are single and have only one job; or
- You are married, have only one job, and your spouse does not work; or
- Your wages from a second job or your spouse's wages (or the total of both) are \$1,500 or less.

C Enter "1" for your spouse. But, you may choose to enter "-0-" if you are married and have either a working spouse or more than one job. (Entering "-0-" may help you avoid having too little tax withheld.)
D Enter number of dependents (other than your spouse or yourself) you will claim on your tax return
E Enter "1" if you will file as head of household on your tax return (see conditions under Head of household above) .
F Enter "1" if you have at least $\$ 1,800$ of child or dependent care expenses for which you plan to claim a credit . . F
(Note. Do not include child support payments. See Pub. 503, Child and Dependent Care Expenses, for details.)
G Child Tax Credit (including additional child tax credit). See Pub. 972, Child Tax Credit, for more information.

- If your total income will be less than $\$ 61,000$ ( $\$ 90,000$ if married), enter " 2 " for each eligible child; then less " 1 " if you have three or more eligible children.
- If your total income will be between $\$ 61,000$ and $\$ 84,000$ ( $\$ 90,000$ and $\$ 119,000$ if married), enter " 1 " for each eligible child plus " 1 " additional if you have six or more eligible children.
H Add lines A through $G$ and enter total here. (Note. This may be different from the number of exemptions you claim on your tax return.) $\mathbf{H}$

```
G
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For accuracy, ( - If you plan to itemize or claim adjustments to income and want to reduce your withholding, see the Deductions complete all worksheets that apply.
and Adjustments Worksheet on page 2.

- If you have more than one job or are married and you and your spouse both work and the combined earnings from all jobs exceed $\$ 18,000$ ( $\$ 32,000$ if married), see the Two-Earners/Multiple Jobs Worksheet on page 2 to avoid having too little tax withheld.
- If neither of the above situations applies, stop here and enter the number from line H on line 5 of Form $\mathrm{W}-4$ below.

Cut here and give Form W-4 to your employer. Keep the top part for your records.

## Fom W-4

Department of the Treasury Internal Revenue Service

## Employee's Withholding Allowance Certificate

- Whether you are entitled to claim a certain number of allowances or exemption from withholding is subject to review by the IRS. Your employer may be required to send a copy of this form to the IRS.


Note. Use this worksheet only if you plan to itemize deductions or claim certain credits or adjustments to income.

1 Enter an estimate of your 2010 itemized deductions. These include qualifying home mortgage interest, charitable contributions, state and local taxes, medical expenses in excess of $7.5 \%$ of your income, and miscellaneous deductions

1 \$
2 Enter: $\left\{\begin{array}{l}\$ 11,400 \text { if married filing jointly or qualifying widow(er) } \\ \$ 8,400 \text { if head of household } \\ \$ 5,700 \text { if single or married filing separately }\end{array}\right\}$
3 Subtract line 2 from line 1. If zero or less, enter "-0-"
4 Enter an estimate of your 2010 adjustments to income and any additional standard deduction. (Pub. 919) .
5 Add lines 3 and 4 and enter the total. (Include any amount for credits from Worksheet 6 in Pub. 919.)
6 Enter an estimate of your 2010 nonwage income (such as dividends or interest)
7 Subtract line 6 from line 5. If zero or less, enter "-0-"
2 \$

8 Divide the amount on line 7 by \$3,650 and enter the result here. Drop any fraction
9 Enter the number from the Personal Allowances Worksheet, line H, page 1
10 Add lines 8 and 9 and enter the total here. If you plan to use the Two-Earners/Multiple Jobs Worksheet, also enter this total on line 1 below. Otherwise, stop here and enter this total on Form W-4, line 5, page 1

10

## Two-Earners/Multiple Jobs Worksheet (See Two earners or multiple jobs on page 1.)

Note. Use this worksheet only if the instructions under line H on page 1 direct you here.
1 Enter the number from line H, page 1 (or from line 10 above if you used the Deductions and Adjustments Worksheet)
1
2 Find the number in Table 1 below that applies to the LOWEST paying job and enter it here. However, if you are married filing jointly and wages from the highest paying job are $\$ 65,000$ or less, do not enter more than "3."

2
3 If line 1 is more than or equal to line 2, subtract line 2 from line 1. Enter the result here (if zero, enter
"-0-") and on Form W-4, line 5, page 1. Do not use the rest of this worksheet
3
Note. If line 1 is less than line 2 , enter " -0 -" on Form $W-4$, line 5 , page 1 . Complete lines $4-9$ below to figure the additional withholding amount necessary to avoid a year-end tax bill.
4 Enter the number from line 2 of this worksheet . . . . . . . . . 4
5 Enter the number from line 1 of this worksheet . . . . . . . . . 5
6 Subtract line 5 from line 4
5

7 Find the amount in Table 2 below that applies to the HIGHEST paying job and enter it here
8 Multiply line 7 by line 6 and enter the result here. This is the additional annual withholding needed
7

9 Divide line 8 by the number of pay periods remaining in 2010. For example, divide by 26 if you are paid every two weeks and you complete this form in December 2009. Enter the result here and on Form W-4, line 6 , page 1 . This is the additional amount to be withheld from each paycheck $\qquad$ 9 \$

| Table 1 |  |  |  | Table 2 |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Married Filing Jointly |  | All Others |  | Married Filing Jointly |  | All Others |  |
| If wages from LOWEST paying job are- | Enter on line 2 above | If wages from LOWEST paying job are- | Enter on line 2 above | If wages from HIGHEST paying job are- | Enter on line 7 above | If wages from HIGHEST paying job are- | Enter on line 7 above |
| \$0-87,000 - | 0 | \$0-\$6,000- | 0 | \$0-\$65,000 | \$550 | \$0-\$35,000 | \$550 |
| 7,001 - 10,000 - | 1 | 6,001-12,000 - | 1 | 65,001-120,000 | 910 | 35,001 - 90,000 | 910 |
| 10,001 - 16,000 - | 2 | 12,001-19,000 - | 2 | 120,001-185,000 | 1,020 | 90,001-165,000 | 1,020 |
| 16,001-22,000 - | 3 | 19,001-26,000 - | 3 | 185,001-330,000 | 1,200 | 165,001-370,000 | 1,200 |
| 22,001-27,000 - | 4 | 26,001-35,000 - | 4 | 330,001 and over | 1,280 | 370,001 and over | 1,280 |
| 27,001 - 35,000 - | 5 | 35,001-50,000- | 5 |  |  |  |  |
| 35,001 - 44,000 - | 6 | 50,001-65,000- | 6 |  |  |  |  |
| 44,001 - 50,000 - | 7 | 65,001 - 80,000 - | 7 |  |  |  |  |
| 50,001 - 55,000 - | 8 | 80,001 - 90,000 - | 8 |  |  |  |  |
| 55,001-65,000 - | 9 | 90,001-120,000 - | 9 |  |  |  |  |
| 65,001 - 72,000 - | 10 | 120,001 and over | 10 |  |  |  |  |
| 72,001 - 85,000 - | 11 |  |  |  |  |  |  |
| 85,001 -105,000 - | 12 |  |  |  |  |  |  |
| 105,001 -115,000 - | 13 |  |  |  |  |  |  |
| 115,001-130,000 - | 14 |  |  |  |  |  |  |
| 130,001 - and over | 15 |  |  |  |  |  |  |

Privacy Act and Paperwork Reduction Act Notice. We ask for the information on this form to carry out the Internal Revenue laws of the United States. Internal Revenue Code sections $3402(f)(2)$ and 6109 and their regulations require you to provide this information; your employer uses it to determine your federal income tax withholding. Failure to provide a properly completed form will result in your being treated as a single person who claims no withholding allowances; providing fraudulent information may subject you to penalties. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation, to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their tax laws, and using it in the National Directory of New Hires. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by Code section 6103.
The average time and expenses required to complete and file this form will vary depending on individual circumstances. For estimated averages, see the instructions for your income tax return.
If you have suggestions for making this form simpler, we would be happy to hear from you. See the instructions for your income tax return.


I certify that I am entitled to the number of withholding allowances claimed on this certificate.

| Employee's signature | Date |
| :---: | :---: |

Penalty - A penalty of $\$ 500$ may be imposed for any false statement you make that decreases the amount of money you have withheld from your wages. You may also be subject to criminal penalties.

## Employee: detach this page and give it to your employer; keep pages 3 and 4 for your records.

Employers only: Please mark an $\boldsymbol{X}$ in the appropriate box(es) to indicate why you are sending a copy of this form to New York State:
Employee is a new hire $\square \quad$ Employee claimed more than 14 exemption allowances for New York State $\square$
Employer's name and address (Employer: complete this section only if you must send a copy of this form to the NYS Tax Department.) Employer identification number

## Instructions

## Changes for 2010

The additional withholding per week dollar amounts and the number of allowances in the charts on page 4 of the instructions for this form have been revised for tax year 2010. If you filed a 2009 Form IT-2104 (dated 4/09) based on the tax rate increase effective for tax year 2009, and you used the charts on page 4 of the 2009 Form IT-2104 to compute an additional dollar amount to claim on lines 3, 4, or 5 of Form IT-2104, you should complete a new 2010 Form IT-2104 and give it to your employer.

## Who should file this form

This certificate, Form IT-2104, is completed by an employee and given to the employer to instruct the employer how much New York State (and New York City and Yonkers) tax to withhold from the employee's pay. The more allowances claimed, the lower the amount of tax withheld.
If you do not file Form IT-2104, your employer may use the same number of allowances you claimed on federal Form W-4. Due to differences in tax law, this may result in the wrong amount of tax withheld for New York State, New York City, and Yonkers. Complete Form IT-2104 each year and file it with your employer if the number of allowances you may claim is different from federal Form W-4 or has changed. Common reasons for completing a new Form IT-2104 each year include the following:

- You started a new job.
- You are no longer a dependent.
- Your individual circumstances may have changed (for example, you were married or have an additional child).
- You itemize your deductions on your personal income tax return.
- You claim allowances for New York State credits.
- You owed tax or received a large refund when you filed your personal income tax return for the past year.
- Your wages have increased and you expect to earn \$100,000 or more during the tax year.
- The total income of you and your spouse has increased to $\$ 100,000$ or more for the tax year.
- You have significantly more or less income from other sources or from another job.
- You no longer qualify for exemption from withholding.
- You have been advised by the Internal Revenue Service that you are entitled to fewer allowances than claimed on your original federal Form W-4, and the disallowed allowances were claimed on your original Form IT-2104.


## Exemption from withholding

You cannot use Form IT-2104 to claim exemption from withholding. To claim exemption from income tax withholding, you must file Form IT-2104-E, Certificate of Exemption from Withholding, with your employer. You must file a new certificate each year that you qualify for exemption. This exemption from withholding is allowable only if you had no New York income tax liability in the prior year, you expect none in the current year, and you are over 65 years of age, under 18, or a full-time student under 25. If you are a dependent who is under 18 or a full-time student, you may owe tax if your income is more than $\$ 3,000$.

## Withholding allowances

You may not claim a withholding allowance for yourself or, if married, your spouse. Claim the number of withholding allowances you compute in Part 1 and Part 3 on page 3 of this form. If you want more tax withheld, you may claim fewer allowances. If you claim more than 14 allowances, your employer must send a copy of your Form IT-2104 to the New York State Tax Department. You may then be asked to verify your allowances. If you arrive at negative allowances (less than zero) on lines $1,2,20$, or 31 , and your employer cannot accommodate negative allowances, enter 0 and see Additional dollar amount(s) below.
Income from sources other than wages - If you have more than $\$ 1,000$ of income from sources other than wages (such as interest, dividends, or alimony received), reduce the number of allowances claimed on line 1 and line 2 (if applicable) of the IT-2104 certificate by one for each $\$ 1,000$ of nonwage income. If you arrive at negative allowances (less than zero), see Withholding allowances above. You may also consider filing estimated tax, especially if you have significant amounts of nonwage income. Estimated tax requires that payments be made by the employee directly to the Tax Department on a quarterly basis. For more information, see the instructions for Form IT-2105, Estimated Income Tax Payment Voucher for Individuals, or see Need help? below.
Other credits (Worksheet line 13) - If you will be eligible to claim any credits other than the credits listed in the worksheet, such as an investment tax credit, you may claim additional allowances as follows:

- If you expect your New York adjusted gross income to be less than $\$ 300,000$, divide the amount of the expected credit by 70 and enter the result (rounded to the nearest whole number) on line 13.
- If you expect your New York adjusted gross income to be between $\$ 300,000$ and $\$ 500,000$, divide the amount of the expected credit by 80 and enter the result (rounded to the nearest whole number) on line 13 .
- If you expect your New York adjusted gross income to be over $\$ 500,000$, divide the amount of the expected credit by 90 and enter the result (rounded to the nearest whole number) on line 13.
Example: You expect your New York adjusted gross income to be less than $\$ 300,000$. In addition, you expect to receive a flow-through of an investment tax credit from the $S$ corporation of which you are a shareholder. The investment tax credit will be $\$ 160$. Divide the expected credit by $70.160 / 70=2.2857$. The additional withholding allowance(s) would be 2. Enter 2 on line 13.
Married couples with both spouses working - If you and your spouse both work, you should each file a separate IT-2104 certificate with your respective employers. You should each mark an $\boldsymbol{X}$ in the box Married, but withhold at higher single rate on the certificate front, and divide the total number of allowances that you compute on line 20 and line 31 (if applicable) between you and your working spouse. Your withholding will better match your total tax if the higher wage-earning spouse claims all of the couple's allowances and the lower wage-earning spouse claims zero allowances. Do not claim more total allowances than you are entitled to. If you and your spouse's combined wages are between $\$ 100,000$ and $\$ 1,100,000$, use one of the charts in Part 4 to compute the number of allowances to transfer to line 19.

Taxpayers with more than one job - If you have more than one job, file a separate IT-2104 certificate with each of your employers. Be sure to claim only the total number of allowances that you are entitled to. Your withholding will better match your total tax if you claim all of your allowances at your higher-paying job and zero allowances at the lower-paying job. In addition, to make sure that you have enough tax withheld, if you are a single taxpayer or head of household with two or more jobs, reduce the number of allowances by six on line 1 and line 2 (if applicable) on the certificate you file with your higher-paying job employer. If you arrive at negative allowances (less than zero), see Withholding allowances above.
If your combined wages are between $\$ 100,000$ and $\$ 1,100,000$, use one of the charts in Part 4 to compute the number of allowances to transfer to line 19. Substitute the words Highest paying job for Higher earner's wages within the charts.

Dependents - If you are a dependent of another taxpayer and expect your income to exceed $\$ 3,000$, you should reduce your withholding allowances by one for each $\$ 1,000$ of income over $\$ 2,500$. This will ensure that your employer withholds enough tax.

Following the above instructions will help to ensure that you will not owe additional tax when you file your return.
Heads of households with only one job - If you will use the head-of-household filing status on your state income tax return, mark the Single or Head of household box on the front of the certificate. If you have only one job, you may also wish to claim two additional withholding allowances on line 14.

Married couples with only one spouse working - If your spouse does not work and has no income subject to state income tax, mark the Married box on the front of the certificate. You may also wish to claim two additional allowances on line 15.

## Additional dollar amount(s)

You may ask your employer to withhold an additional dollar amount each pay period by completing lines 3 , 4, and 5 on Form IT-2104. In most instances, if you compute a negative number of allowances using the worksheet on page 3 and your employer cannot accommodate a negative number, for each negative allowance claimed you should have an additional $\$ 1.90$ of tax withheld per week for New York State withholding on line 3, and an additional $\$ 0.80$ of tax withheld per week for New York City withholding on line 4. Yonkers residents should use $10 \%$ (.10) of the New York State amount for additional withholding for Yonkers on line 5.
Note: If you are requesting that your employer withhold an additional dollar amount on lines 3,4 , or 5 of this allowance certificate, the additional dollar amount, as determined by these instructions or by using the chart in Part 4, is accurate for a weekly payroll. Therefore, if you are paid other than weekly, you will need to adjust the dollar amount(s) that you compute. For example, if you are paid biweekly, you must double the dollar amount(s) computed using the worksheet on page 3.

## Avoid underwithholding

Form IT-2104, together with your employer's withholding tables, is designed to ensure that the correct amount of tax is withheld from your pay. If you fail to have enough tax withheld during the entire year, you may owe a large tax liability when you file your return. The Tax Department must assess interest and may impose penalties in certain situations in addition to the tax liability. Even if you do not file a return, we may determine that you owe personal income tax, and we may assess interest and penalties on the amount of tax that you should have paid during the year.

## Privacy notification

The Commissioner of Taxation and Finance may collect and maintain personal information pursuant to the New York State Tax Law, including but not limited to, sections $5-a, 171,171-a, 287,308,429,475,505,697,1096,1142$, and 1415 of that Law; and may require disclosure of social security numbers pursuant to 42 USC 405(c)(2)(C)(i).
This information will be used to determine and administer tax liabilities and, when authorized by law, for certain tax offset and exchange of tax information programs as well as for any other lawful purpose.

Information concerning quarterly wages paid to employees is provided to certain state agencies for purposes of fraud prevention, support enforcement, evaluation of the effectiveness of certain employment and training programs and other purposes authorized by law.
Failure to provide the required information may subject you to civil or criminal penalties, or both, under the Tax Law.
This information is maintained by the Manager of Document Management, NYS Tax Department, W A Harriman Campus, Albany NY 12227; telephone (518) 457-5181.

## Need help?

Internet access: www.nystax.gov Get answers to frequently asked questions; check your refund status; check your estimated tax account; download forms, publications; get tax updates and other information.

## T- Telephone assistance is available from 8:00 A.M. to 5:00 P.M

 (eastern time), Monday through Friday.Refund status:
In-state callers without free long distance:
Personal Income Tax Information Center: In-state callers without free long distance:
To order forms and publications:
In-state callers without free long distance:
Fax-on-demand forms: Forms are available 24 hours a day, 7 days a week.
Text Telephone (TTY) Hotline (for persons with
hearing and speech disabilities using a TTY):
(518) 457-5149 $1800443-3200$
(518) 457-5181

1800 225-5829
(518) 457-5431

1800 462-8100
$1800748-3676$
1800 634-2110

## Worksheet

## Part 1 - Complete this part to compute your withholding allowances for New York State and Yonkers (line 1).

6 Enter the number of dependents that you will claim on your state return (do not include yourself or, if married, your spouse) ..... 6.
$\square$
7 College tuition credit7.
8 New York State household credit ..... 8.
9 Real property tax credit ..... 9.
$\qquad$
For lines 10, 11, and 12, enter 3 for each credit you expect to claim on your state return.
10.10 Child and dependent care credit
11 Earned income credit ..... 11.
12 Empire State child credit ..... 12.
.
13 Other credits (see instructions) ..... 13.
For lines 14 and 15, enter 2 if either situation applies.
14 Head of household status and only one job ..... 14.
15 Married couples with only one spouse working and only one job
15 Married couples with only one spouse working and only one job ..... 15. ..... 15.
16 Enter an estimate of your federal adjustments to income, such as alimony you will pay for the tax year 16 Enter an estimate of your federal adjustments to income, such as alimony you will pay $\begin{aligned} & \text { and deductible IRA contributions you will make for the tax year. Total estimate \$ }\end{aligned}$
Divide this estimate by $\$ 1,000$. Drop any fraction and enter the number 16.

$\qquad$
17 If you expect to itemize deductions on your state tax return, complete Part 2 below and enter the number from line 28. All others enter 0 ..... 17.

.
18 Add lines 6 through 17 ..... 18.
19 If you have more than one job, or are married with both spouses working, and your combined wages are between
19 If you have more than one job, or are married with both spouses working, and your combined wages are between $\$ 100,000$ and $\$ 1,100,000$, enter the appropriate number from one of the charts in Part 4. All others enter 0 ..... 19.
20 Subtract line 19 from line 18. Enter the result, including negative amounts, here and on line 1 . If your employer cannot accommodate negative allowances, enter $\boldsymbol{O}$ here and on line 1 and see Additional dollar amounts in the instructions. (If you have more than one job, or if you and your spouse both work, see instructions.) .................................................. 20. (If you have more than one job, or if you and your spouse both work, see instructions.) .................................................. 20.
$\qquad$
$\qquad$
$-$
For lines 7, 8, and 9, enter 1 for each credit you expect to claim on your state return.9.
$\qquad$
$\qquad$ $\square$
$\qquad$
$\qquad$
21.
21 Enter your estimated federal itemized deductions for the tax year
22 Enter your estimated state, local, and foreign income taxes included on line 21 (if your estimated New York AGI is over $\$ 1$ million, you must enter on line 22 all estimated federal itemized deductions included on line 21 except charitable contributions) ..... 22.
23 Subtract line 22 from line 21 ..... 23.
24 Enter your estimated college tuition itemized deduction ..... 24.
25 Add lines 23 and 24 ..... 25.
26 Based on your federal filing status, enter the applicable amount from the table below ..... 26.
$\square$

| Single (cannot be claimed as a dependent) ... | \$ 7,500 | Qualifying widow(er) | \$15,000 |
| :---: | :---: | :---: | :---: |
| Single (can be claimed as a dependent) ....... | \$ 3,000 | Married filing jointly | \$15,000 |
| Head of household | \$10,500 | Married filing separate returns | \$ 7,500 |

27 Subtract line 26 from line 25 (if line 26 is larger than line 25 , enter 0 here and on line 17 above)27.
28 Divide line 27 by $\$ 1,000$. Drop any fraction and enter the result here and on line 17 above ..... 28.
Part 3 - Complete this part to compute your withholding allowances for New York City (line 2).
29 Enter the amount from line 6 above ..... 29.
30 Add lines 14 through 17 above and enter total here ..... 30.
31 Add lines 29 and 30 . Enter the result here and on line 2 ..... 31.

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Part 4 - These charts are for taxpayers with more than one job, or married couples with both spouses working, and combined wages between $\$ 100,000$ and $\$ 1,100,000$. All others do not have to use these charts.

Enter the number of allowances (top number) on line 19; or the additional withholding (bottom dollar amount) on line 3.

|  | Combined wages between \$100,000 and \$500,000 |  |  |  |  |  |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Higher earner's wages | $\begin{gathered} \$ 100,000 \\ \text { to } \\ 120,000 \end{gathered}$ | $\begin{gathered} \$ 120,000 \\ \text { to } \\ 140,000 \end{gathered}$ | $\begin{gathered} \$ 140,000 \\ \text { to } \\ 160,000 \end{gathered}$ | $\begin{gathered} \$ 160,000 \\ \text { to } \\ 180,000 \end{gathered}$ | $\begin{gathered} \$ 180,000 \\ \text { to } \\ 220,000 \end{gathered}$ | $\begin{gathered} \$ 220,000 \\ \text { to } \\ 260,000 \end{gathered}$ | $\begin{gathered} \$ 260,000 \\ \text { to } \\ 300,000 \end{gathered}$ | $\begin{gathered} \$ 300,000 \\ \text { to } \\ 350,000 \end{gathered}$ | $\begin{gathered} \$ 350,000 \\ \text { to } \\ 400,000 \end{gathered}$ | $\begin{gathered} \$ 400,000 \\ \text { to } \\ 450,000 \end{gathered}$ | $\begin{gathered} \$ 450,000 \\ \text { to } \\ 500,000 \end{gathered}$ |
| $\begin{aligned} & \hline \$ 55,000- \\ & \$ 70,000 \end{aligned}$ | $\begin{array}{r} 9 \\ \$ 12 \end{array}$ | $\begin{array}{r} 11 \\ \$ 15 \end{array}$ |  |  |  |  |  |  |  |  |  |
| $\begin{aligned} & \hline \$ 70,000- \\ & \$ 90,000 \end{aligned}$ | $\begin{array}{r} 9 \\ \$ 12 \end{array}$ | $\begin{array}{r} 13 \\ \$ 17 \end{array}$ | $\begin{array}{r} 17 \\ \$ 22 \\ \hline \end{array}$ |  |  |  |  |  |  |  |  |
| $\begin{aligned} & \$ 90,000- \\ & \$ 110,000 \end{aligned}$ | $\begin{array}{r} 5 \\ \$ 8 \\ \hline \end{array}$ | $\begin{array}{r} 10 \\ \$ 15 \end{array}$ | $\begin{array}{r} 13 \\ \$ 20 \end{array}$ | $\begin{array}{r} 14 \\ \$ 22 \\ \hline \end{array}$ | $\begin{array}{r} 15 \\ \$ 23 \end{array}$ |  |  |  |  |  |  |
| $\begin{aligned} & \$ 110,000- \\ & \$ 120,000 \end{aligned}$ | $\begin{array}{r} 1 \\ \$ 2 \end{array}$ | $\begin{array}{r} 6 \\ \$ 10 \\ \hline \end{array}$ | $\begin{array}{r} 10 \\ \$ 16 \end{array}$ | $\begin{array}{r} 11 \\ \$ 18 \end{array}$ | $\begin{array}{r} 13 \\ \$ 21 \end{array}$ | $\begin{array}{r} 13 \\ \$ 20 \\ \hline \end{array}$ |  |  |  |  |  |
| $\begin{aligned} & \$ 120,000- \\ & \$ 130,000 \end{aligned}$ |  | $\begin{array}{r} 3 \\ \$ 4 \end{array}$ | $\begin{array}{r} 9 \\ \$ 14 \end{array}$ | $\begin{array}{r} 10 \\ \$ 16 \end{array}$ | $\begin{array}{r} 12 \\ \$ 19 \end{array}$ | $\begin{array}{r} 11 \\ \$ 17 \end{array}$ |  |  |  |  |  |
| $\begin{aligned} & \$ 130,000- \\ & \$ 140,000 \end{aligned}$ |  | $\begin{array}{r} 1 \\ \$ 2 \end{array}$ | $\begin{array}{r} 6 \\ \$ 10 \end{array}$ | $\begin{array}{r} 8 \\ \$ 13 \end{array}$ | $\begin{array}{r} 10 \\ \$ 16 \end{array}$ | $\begin{array}{r} 11 \\ \$ 17 \end{array}$ | $\begin{array}{r} 8 \\ \$ 13 \end{array}$ |  |  |  |  |
| $\begin{aligned} & \$ 140,000- \\ & \$ 150,000 \end{aligned}$ |  |  | $\begin{array}{r} 3 \\ \$ 4 \end{array}$ | $\begin{array}{r} 7 \\ \$ 11 \end{array}$ | $\begin{array}{r} 9 \\ \$ 14 \end{array}$ | $\begin{array}{r} 11 \\ \$ 17 \end{array}$ | $\begin{array}{r} 7 \\ \$ 11 \end{array}$ |  |  |  |  |
| $\begin{aligned} & \$ 150,000- \\ & \$ 160,000 \end{aligned}$ |  |  | $\begin{array}{r} 1 \\ \$ 2 \end{array}$ | $\begin{array}{r} 6 \\ \$ 8 \end{array}$ | $\begin{array}{r} 8 \\ \$ 12 \end{array}$ | $\begin{array}{r} 11 \\ \$ 16 \end{array}$ | $\begin{array}{r} 8 \\ \$ 12 \\ \hline \end{array}$ | $\begin{array}{r} 11 \\ \$ 15 \end{array}$ |  |  |  |
| $\begin{aligned} & \$ 160,000- \\ & \$ 180,000 \\ & \hline \end{aligned}$ |  |  |  | $\begin{array}{r} 2 \\ \$ 3 \end{array}$ | $\begin{array}{r} 8 \\ \$ 11 \end{array}$ | $\begin{array}{r} 10 \\ \$ 14 \end{array}$ | $\begin{array}{r} 10 \\ \$ 14 \end{array}$ | $\begin{array}{r} 30 \\ \$ 42 \end{array}$ |  |  |  |
| $\begin{aligned} & \$ 180,000- \\ & \$ 220,000 \end{aligned}$ |  |  |  |  | $\begin{array}{r} 4 \\ \$ 6 \end{array}$ | $\begin{array}{r} 8 \\ \$ 11 \end{array}$ | $\begin{array}{r} 11 \\ \$ 15 \end{array}$ | $\begin{array}{r} 33 \\ \$ 46 \end{array}$ | $\begin{array}{r} 57 \\ \$ 80 \end{array}$ |  |  |
| $\begin{aligned} & \$ 220,000- \\ & \$ 260,000 \end{aligned}$ |  |  |  |  |  | $\begin{array}{r} 4 \\ \$ 6 \end{array}$ | $\begin{array}{r} 8 \\ \$ 11 \end{array}$ | $\begin{array}{r} 35 \\ \$ 49 \end{array}$ | $\begin{array}{r} 59 \\ \$ 83 \end{array}$ | $\begin{array}{r} 64 \\ \$ 90 \end{array}$ | $\begin{array}{r} 70 \\ \$ 99 \end{array}$ |
| $\begin{aligned} & \$ 260,000- \\ & \$ 300,000 \end{aligned}$ |  |  |  |  |  |  | $\begin{array}{r} 4 \\ \$ 6 \end{array}$ | $\begin{array}{r} 33 \\ \$ 46 \end{array}$ | $\begin{array}{r} 62 \\ \$ 88 \end{array}$ | $\begin{array}{r} 64 \\ \$ 91 \end{array}$ | $\begin{array}{r} 70 \\ \$ 99 \end{array}$ |
| $\begin{aligned} & \$ 300,000- \\ & \$ 350,000 \end{aligned}$ |  |  |  |  |  |  |  | $\begin{array}{r} 9 \\ \$ 24 \\ \hline \end{array}$ | $\begin{array}{r} 18 \\ \$ 51 \end{array}$ | $\begin{array}{r} 23 \\ \$ 64 \end{array}$ | $\begin{array}{r} 24 \\ \$ 66 \end{array}$ |
| $\begin{aligned} & \hline \$ 350,000- \\ & \$ 400,000 \end{aligned}$ |  |  |  |  |  |  |  |  | $\begin{array}{r} 6 \\ \$ 10 \end{array}$ | $\begin{array}{r} 14 \\ \$ 22 \end{array}$ | $\begin{array}{r} 22 \\ \$ 35 \end{array}$ |
| $\begin{aligned} & \$ 400,000- \\ & \$ 450,000 \end{aligned}$ |  |  |  |  |  |  |  |  |  | $\begin{array}{r} 6 \\ \$ 10 \end{array}$ | $\begin{array}{r} 14 \\ \$ 22 \\ \hline \end{array}$ |
| $\begin{aligned} & \$ 450,000- \\ & \$ 500,000 \end{aligned}$ |  |  |  |  |  |  |  |  |  |  | $\begin{array}{r} 6 \\ \$ 10 \end{array}$ |

Combined wages between \$500,000 and \$1,100,000

| Higher earner's wages | $\begin{gathered} \$ 500,000 \\ \text { to } \\ 550,000 \end{gathered}$ | $\begin{gathered} \$ 550,000 \\ \text { to } \\ 600,000 \end{gathered}$ | $\begin{gathered} \hline \$ 600,000 \\ \text { to } \\ 650,000 \end{gathered}$ | $\begin{gathered} \$ 650,000 \\ \text { to } \\ 700,000 \end{gathered}$ | $\begin{gathered} \$ 700,000 \\ \text { to } \\ 750,000 \end{gathered}$ | $\begin{gathered} \hline \$ 750,000 \\ \text { to } \\ 800,000 \end{gathered}$ | $\begin{gathered} \$ 800,000 \\ \text { to } \\ 850,000 \end{gathered}$ | $\begin{gathered} \$ 850,000 \\ \text { to } \\ 900,000 \end{gathered}$ | $\begin{gathered} \$ 900,000 \\ \text { to } \\ 950,000 \end{gathered}$ | $\begin{gathered} \$ 950,000 \\ \text { to } \\ 1,000,000 \end{gathered}$ | $\begin{gathered} \$ 1,000,000 \\ \text { to } \\ 1,050,000 \end{gathered}$ | $\begin{gathered} \$ 1,050,000 \\ \text { to } \\ 1,100,000 \end{gathered}$ |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| $\begin{aligned} & \$ 260,000- \\ & \$ 300,000 \end{aligned}$ | $\begin{array}{r} 119 \\ \$ 168 \\ \hline \end{array}$ |  |  |  |  |  |  |  |  |  |  |  |
| $\begin{aligned} & \$ 300,000- \\ & \$ 350,000 \\ & \hline \end{aligned}$ | $\begin{array}{r} 49 \\ \$ 135 \\ \hline \end{array}$ | $\begin{array}{r} 76 \\ \$ 210 \\ \hline \end{array}$ | $\begin{array}{r} 85 \\ \$ 234 \\ \hline \end{array}$ |  |  |  |  |  |  |  |  |  |
| $\begin{aligned} & \hline \$ 350,000- \\ & \$ 400,000 \\ & \hline \end{aligned}$ | $\begin{array}{r} 60 \\ \$ 96 \\ \hline \end{array}$ | $\begin{array}{r} 107 \\ \$ 172 \\ \hline \end{array}$ | $\begin{array}{r} 121 \\ \$ 195 \\ \hline \end{array}$ | $\begin{array}{r} 136 \\ \$ 218 \\ \hline \end{array}$ | $\begin{array}{r} 108 \\ \$ 174 \end{array}$ |  |  |  |  |  |  |  |
| $\begin{aligned} & \$ 400,000- \\ & \$ 450,000 \end{aligned}$ | $\begin{array}{r} 59 \\ \$ 94 \end{array}$ | $\begin{array}{r} 101 \\ \$ 162 \end{array}$ | $\begin{array}{r} 116 \\ \$ 186 \end{array}$ | $\begin{array}{r} 130 \\ \$ 209 \end{array}$ | $\begin{array}{r} 144 \\ \$ 232 \end{array}$ | $\begin{array}{r} 117 \\ \$ 188 \end{array}$ | $\begin{array}{r} 126 \\ \$ 202 \end{array}$ |  |  |  |  |  |
| $\begin{aligned} & \$ 450,000- \\ & \$ 500,000 \end{aligned}$ | $\begin{array}{r} 50 \\ \$ 81 \end{array}$ | $\begin{array}{r} 100 \\ \$ 160 \end{array}$ | $\begin{array}{r} 110 \\ \$ 176 \end{array}$ | $\begin{array}{r} 124 \\ \$ 199 \end{array}$ | $\begin{array}{r} 138 \\ \$ 222 \end{array}$ | $\begin{array}{r} 153 \\ \$ 246 \end{array}$ | $\begin{array}{r} 126 \\ \$ 202 \end{array}$ | $\begin{array}{r} 134 \\ \$ 215 \end{array}$ | $\begin{array}{r} 143 \\ \$ 229 \end{array}$ |  |  |  |
| $\begin{aligned} & \$ 500,000- \\ & \$ 550,000 \end{aligned}$ | $\begin{array}{r} 10 \\ \$ 39 \end{array}$ | $\begin{array}{r} 22 \\ \$ 88 \end{array}$ | $\begin{array}{r} 29 \\ \$ 115 \\ \hline \end{array}$ | $\begin{array}{r} 33 \\ \$ 130 \\ \hline \end{array}$ | $\begin{array}{r} 39 \\ \$ 154 \\ \hline \end{array}$ | $\begin{array}{r} 45 \\ \$ 177 \\ \hline \end{array}$ | $\begin{array}{r} 50 \\ \$ 200 \\ \hline \end{array}$ | $\begin{array}{r} 39 \\ \$ 156 \\ \hline \end{array}$ | $\begin{array}{r} 43 \\ \$ 170 \\ \hline \end{array}$ | $\begin{array}{r} 46 \\ \$ 183 \\ \hline \end{array}$ | $\begin{array}{r} 50 \\ \$ 197 \end{array}$ | $\begin{array}{r} 36 \\ \$ 145 \\ \hline \end{array}$ |
| $\begin{aligned} & \$ 550,000- \\ & \$ 600,000 \end{aligned}$ |  | $\begin{array}{r} 7 \\ \$ 13 \\ \hline \end{array}$ | $\begin{array}{r} 19 \\ \$ 36 \\ \hline \end{array}$ | $\begin{array}{r} 33 \\ \$ 62 \\ \hline \end{array}$ | $\begin{array}{r} 42 \\ \$ 78 \\ \hline \end{array}$ | $\begin{array}{r} 54 \\ \$ 101 \\ \hline \end{array}$ | $\begin{array}{r} 66 \\ \$ 124 \\ \hline \end{array}$ | $\begin{array}{r} 79 \\ \$ 148 \\ \hline \end{array}$ | $\begin{array}{r} 55 \\ \$ 104 \\ \hline \end{array}$ | $\begin{array}{r} 62 \\ \$ 117 \\ \hline \end{array}$ | $\begin{array}{r} 70 \\ \$ 131 \\ \hline \end{array}$ | $\begin{array}{r} 77 \\ \$ 145 \\ \hline \end{array}$ |
| $\begin{aligned} & \$ 600,000- \\ & \$ 650,000 \end{aligned}$ |  |  | $\begin{array}{r} 7 \\ \$ 13 \\ \hline \end{array}$ | $\begin{array}{r} 19 \\ \$ 36 \\ \hline \end{array}$ | $\begin{array}{r} 33 \\ \$ 62 \end{array}$ | $\begin{array}{r} 42 \\ \$ 78 \end{array}$ | $\begin{array}{r} 54 \\ \$ 101 \\ \hline \end{array}$ | $\begin{array}{r} 66 \\ \$ 124 \\ \hline \end{array}$ | $\begin{array}{r} 79 \\ \$ 148 \\ \hline \end{array}$ | $\begin{array}{r} 55 \\ \$ 104 \\ \hline \end{array}$ | $\begin{array}{r} 62 \\ \$ 117 \\ \hline \end{array}$ | $\begin{array}{r} 70 \\ \$ 131 \\ \hline \end{array}$ |
| $\begin{aligned} & \$ 650,000- \\ & \$ 700,000 \end{aligned}$ |  |  |  | $\begin{array}{r} 7 \\ \$ 13 \\ \hline \end{array}$ | $\begin{array}{r} 19 \\ \$ 36 \end{array}$ | $\begin{array}{r} 33 \\ \$ 62 \end{array}$ | $\begin{array}{r} 42 \\ \$ 78 \end{array}$ | $\begin{array}{r} 54 \\ \$ 101 \end{array}$ | $\begin{array}{r} 66 \\ \$ 124 \end{array}$ | $\begin{array}{r} 79 \\ \$ 148 \end{array}$ | $\begin{array}{r} 55 \\ \$ 104 \end{array}$ | $\begin{array}{r} 62 \\ \$ 117 \end{array}$ |
| $\begin{aligned} & \$ 700,000- \\ & \$ 750,000 \end{aligned}$ |  |  |  |  | $\begin{array}{r} 7 \\ \$ 13 \\ \hline \end{array}$ | $\begin{array}{r} 19 \\ \$ 36 \\ \hline \end{array}$ | $\begin{array}{r} 33 \\ \$ 62 \end{array}$ | $\begin{array}{r} 42 \\ \$ 78 \end{array}$ | $\begin{array}{r} 54 \\ \$ 101 \\ \hline \end{array}$ | $\begin{array}{r} 66 \\ \$ 124 \\ \hline \end{array}$ | $\begin{array}{r} 79 \\ \$ 148 \\ \hline \end{array}$ | $\begin{array}{r} 55 \\ \$ 104 \\ \hline \end{array}$ |
| $\begin{aligned} & \$ 750,000- \\ & \$ 800,000 \end{aligned}$ |  |  |  |  |  | $\begin{array}{r} 7 \\ \$ 13 \end{array}$ | $\begin{array}{r} 19 \\ \$ 36 \end{array}$ | $\begin{array}{r} 33 \\ \$ 62 \end{array}$ | $\begin{array}{r} 42 \\ \$ 78 \end{array}$ | $\begin{array}{r} 54 \\ \$ 101 \end{array}$ | $\begin{array}{r} 66 \\ \$ 124 \end{array}$ | $\begin{array}{r} 79 \\ \$ 148 \end{array}$ |
| $\begin{aligned} & \$ 800,000- \\ & \$ 850,000 \\ & \hline \end{aligned}$ |  |  |  |  |  |  | $\begin{array}{r} 7 \\ \$ 13 \\ \hline \end{array}$ | $\begin{array}{r} 19 \\ \$ 36 \\ \hline \end{array}$ | $\begin{array}{r} 33 \\ \$ 62 \\ \hline \end{array}$ | $\begin{array}{r} 42 \\ \$ 78 \\ \hline \end{array}$ | $\begin{array}{r} 54 \\ \$ 101 \\ \hline \end{array}$ | $\begin{array}{r} 66 \\ \$ 124 \\ \hline \end{array}$ |
| $\begin{aligned} & \$ 850,000- \\ & \$ 900,000 \end{aligned}$ |  |  |  |  |  |  |  | $\begin{array}{r} 7 \\ \$ 13 \\ \hline \end{array}$ | $\begin{array}{r} 19 \\ \$ 36 \end{array}$ | $\begin{array}{r} 33 \\ \$ 62 \\ \hline \end{array}$ | $\begin{array}{r} 42 \\ \$ 78 \\ \hline \end{array}$ | $\begin{array}{r} 54 \\ \$ 101 \end{array}$ |
| $\begin{aligned} & \$ 900,000- \\ & \$ 950,000 \end{aligned}$ |  |  |  |  |  |  |  |  | $\begin{array}{r} 7 \\ \$ 13 \\ \hline \end{array}$ | $\begin{array}{r} 19 \\ \$ 36 \end{array}$ | $\begin{array}{r} 33 \\ \$ 62 \\ \hline \end{array}$ | $\begin{array}{r} 42 \\ \$ 78 \\ \hline \end{array}$ |
| $\begin{gathered} \$ 950,000- \\ \$ 1,000,000 \end{gathered}$ |  |  |  |  |  |  |  |  |  | $\begin{array}{r} 7 \\ \$ 13 \\ \hline \end{array}$ | $\begin{array}{r} 19 \\ \$ 36 \\ \hline \end{array}$ | $\begin{array}{r} 33 \\ \$ 62 \\ \hline \end{array}$ |
| $\begin{aligned} & \$ 1,000,000- \\ & \$ 1,050,000 \end{aligned}$ |  |  |  |  |  |  |  |  |  |  | $\begin{array}{r} 7 \\ \$ 13 \\ \hline \end{array}$ | $\begin{array}{r} 19 \\ \$ 36 \end{array}$ |
| $\begin{aligned} & \$ 1,050,000- \\ & \$ 1,100,000 \end{aligned}$ |  |  |  |  |  |  |  |  |  |  |  | $\begin{array}{r} 7 \\ \$ 13 \\ \hline \end{array}$ |

To claim exemption from withholding for New York State personal income tax (and New York City and Yonkers personal income tax, if applicable), you must meet the conditions in either Group A or Group B:
Group A

- you must be under age 18 , or over age 65 , or a full-time student under age 25 ; and
- you did not have a New York income tax liability for 2009; and
- you do not expect to have a New York income tax liability for 2010 (for this purpose, you have a tax liability if your return shows tax before the allowance of any credit for income tax withheld).
Group B
- you meet the conditions set forth under the Servicemembers Civil Relief Act (SCRA), as amended by the Military Spouses Residency Relief Act. See Military spouses below.

If you do not meet all of the conditions in either Group A or Group B above, stop; you cannot claim exemption from withholding.


## Instructions

## Employee

Who qualifies - To claim exemption from withholding for New York State personal income tax (and New York City and Yonkers personal income tax, if applicable), you must meet the conditions in either Group A or Group B:

Group A

- you must be under age 18 , or over age 65 , or a full-time student under age 25; and
- you did not have a New York income tax liability for 2009; and
- you do not expect to have a New York income tax liability for 2010 (for this purpose, you have a tax liability if your return shows tax before the allowance of any credit for income tax withheld).


## Group B

- you meet the conditions set forth under the Servicemembers Civil Relief Act (SCRA), as amended by the Military Spouses
Residency Relief Act. See Military spouses below.
If you meet the conditions in Group A or Group B, file this certificate, Form IT-2104-E, with your employer. Otherwise, your employer must withhold New York State income tax (and New York City and Yonkers personal income tax, if applicable) from your wages. Do not send this certificate to the Tax Department.

Generally, as a resident, you are required to file a New York State income tax return if you are required to file a federal income tax return, or if your federal adjusted gross income plus your New York additions is more than $\$ 4,000$, regardless of your filing status. However, if you are single and can be claimed as a dependent on another person's federal return, you must file a New York State return if your federal adjusted gross income plus your New York additions is more than $\$ 3,000$.

If you are a nonresident and have income from New York sources, you must file a New York return if the sum of your federal adjusted
gross income and New York additions to income is more than your New York standard deduction.

A penalty of $\$ 500$ may be imposed for furnishing false information that decreases your withholding amount.

When to claim exemption from withholding - File this certificate with your employer if you meet the conditions listed in Group A or Group B above. You must file a new certificate each year if you wish to continue to claim the exemption.
Military spouses - Under the Servicemembers Civil Relief Act (SCRA), as amended by the Military Spouses Residency Relief Act, you may be exempt from New York income tax (and New York City and Yonkers personal income tax, if applicable) on your wages if: 1) your spouse is a member of the armed forces present in New York in compliance with military orders; 2) you are present in New York solely to be with your spouse; and 3) you are domiciled in another state.

Liability for estimated tax - If, as a result of this exemption certificate, your employer does not withhold income tax from your wages and you later fail to qualify for exemption from tax, you may be required to pay estimated tax and be subject to penalty if it is not paid. For further information, see Form IT-2105, Estimated Income Tax Payment Voucher for Individuals.

Multiple employers - If you have more than one employer, you may claim exemption from withholding with each employer as long as your total expected income will not cause you to incur a New York income tax liability for the year 2010 and you had no liability for 2009.

Revocation by employee - You must revoke this exemption certificate (1) within 10 days from the day you expect to incur a New York income tax liability for the year 2010, (2) on or before December 1, 2010, if you expect to incur a tax liability for 2011, or (3) when you no longer qualify for exemption under the SCRA.

If you are required to revoke this certificate, if you no longer meet the age requirements for claiming exemption, or if you want income tax withheld from your pay (because, for example, you expect your income to exceed $\$ 3,000$ ), you must file Form IT-2104, Employee's Withholding Allowance Certificate, with your employer. Follow the instructions on Form IT-2104 to determine the correct number of allowances to claim for withholding tax purposes.

Filing status - Mark an $\boldsymbol{X}$ in one box on Form IT-2104-E that shows your present filing status for federal purposes.
Need help? - For help completing this form, employees may call (518) 457-5181, and employers may call (518) 485-6654. In-state callers without free long distance call 1800 225-5829 (for employees) or 1877 698-2910 (for employers).

## Employer

Keep this certificate with your records. If an employee who claims exemption from withholding on Form IT-2104-E usually earns more than $\$ 200$ per week, you must send a copy of that employee's Form IT-2104-E to: NYS Tax Department, Income Tax Audit Administrator, Withholding Certificate Coordinator, W A Harriman Campus, Albany NY 12227.

The Tax Department will not accept this form if it is incomplete. We will review these certificates and notify you of any adjustments that must be made.

Due dates for sending certificates received from employees who claim exemption and earn more than $\$ 200$ per week are:

| Quarter | Due date | Quarter | Due date |
| :--- | :--- | :--- | :--- |
| January - March | April 30 | July - September | October 31 |
| April - June | July 31 | October - December | January 31 |

Revocation by employer - You must revoke this exemption within 10 days if, on any day during the calendar year, the date of birth stated on the certificate filed by the employee indicates the
employee no longer meets the age requirements for exemption. The revocation must be in the form of a written notice to the employee.

New hires - If you are submitting a copy of this form because you are choosing to use this form to comply with New York State's New Hire Reporting Program, mark an $\boldsymbol{X}$ in the box and mail a copy of the completed form, within 20 days of hiring, to:

## NYS TAX DEPARTMENT, NEW HIRE NOTIFICATION

 PO BOX 15119, ALBANY NY 12212-5119To report newly-hired employees online go to www.nynewhire.com.
Privacy notification - The Commissioner of Taxation and Finance may collect and maintain personal information pursuant to the New York State Tax Law, including but not limited to, sections 5-a, 171, 171-a, 287, 308, 429, 475, 505, 697, 1096, 1142, and 1415 of that Law; and may require disclosure of social security numbers pursuant to 42 USC 405(c)(2)(C)(i).
This information will be used to determine and administer tax liabilities and, when authorized by law, for certain tax offset and exchange of tax information programs as well as for any other lawful purpose.

Information concerning quarterly wages paid to employees is provided to certain state agencies for purposes of fraud prevention, support enforcement, evaluation of the effectiveness of certain employment and training programs and other purposes authorized by law.

Failure to provide the required information may subject you to civil or criminal penalties, or both, under the Tax Law.

This information is maintained by the Manager of Document Management, NYS Tax Department, W A Harriman Campus, Albany NY 12227; telephone (518) 457-5181.


[^0]:    We are required by law to monitor our Affirmative Action Program, and to collect ethnic data on all employees under Federal Executive Order \#11246. Submission of this

